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Attorneys for Defendants
RESTORATION HARDWARE, INC., GARY
FRIEDMAN

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

EMECO INDUSTRIES, INC.

Plaintiff,

v.

RESTORATION HARDWARE, INC., GARY
FRIEDMAN, and DOES 1-10.

Defendants.

CASE NO. CV 12-05072 MMC

**STIPULATION TO DISMISS ACTION;
[PROPOSED] ORDER THEREON**

1 Plaintiff Emeco Industries, Inc. ("Plaintiff"), and Defendants Restoration Hardware, Inc.
2 and Gary Friedman ("Defendants") hereby stipulate through their respective attorneys as
3 follows:

4 WHEREAS, on October 1, 2012, Plaintiff filed a Complaint for Federal Trade Dress and
5 Trademark Counterfeiting and Infringement; Federal Dilution; Common Law Trade Dress and
6 Trademark Infringement; Violation of Cal. Bus. & Prof. Code §§ 14330 *et seq.*; and Violation of
7 Cal. Bus. & Prof. Code §§ 17200 *et seq.*

8 WHEREAS, on December 6, 2012, the Court granted in part and denied in part
9 Defendants' Motion to Dismiss and afforded Plaintiff leave to amend the Complaint;

10 WHEREAS, on January 4, 2013, Plaintiff filed a First Amended Complaint for Federal
11 Trade Dress Counterfeiting and Infringement; Federal Trademark Infringement; Federal
12 Dilution; Common Law Trade Dress and Trademark Infringement; Violation of Cal. Bus. &
13 Prof. Code §§ 14247 *et seq.*; and Violation of Cal. Bus. & Prof. Code §§ 17200 *et seq.*

14 WHEREAS, the parties have recently agreed to settle this matter;

15 WHEREAS, pursuant to Fed. R. Civ. P. 41(a)(1)(A), the parties jointly request that the
16 Court dismiss this action with prejudice.

17 NOW THEREFORE, IT IS HEREBY STIPULATED that, subject to the Court's
18 approval:

- 19 1. The First Amended Complaint shall be dismissed with prejudice.

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21 Respectfully Submitted,
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1 Dated: February 8, 2013

Dated: February 8, 2013

2
3 /s/ Jonathan H. Blavin

4 JONATHAN H. BLAVIN

Jonathan.Blavin@mto.com

/s/ Wesley E. Overson

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8 Attorneys for Plaintiff

9 Emeco Industries, Inc.

Attorneys for Defendants

Restoration Hardware, Inc. and Gary

Friedman

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11 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

12 DATED: February ___, 2013

13
14 THE HONORABLE MAXINE M. CHESNEY
United States District Judge

15
16 **ATTESTATION PURSUANT TO CIVIL L.R. 5-1(i)(3).**

17 I, Jonathan H. Blavin, am the ECF User whose ID and password are being used to file this
18 Stipulation to Dismiss Action and Proposed Order Thereon. In compliance with Civil L.R. 5-
19 1(i)(3), I hereby attest that Wesley E. Overson has concurred in this filing.

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21
22 Dated: February 8, 2013

MUNGER, TOLLES & OLSON LLP

23 /s/ Jonathan H. Blavin

24 JONATHAN H. BLAVIN

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